

REGISTER No. 9933 Filed 1425

CC Washington

CITIZENS PLAZA . LOUISVILLE, KENTUCKY 40296

SEP17 1985 -3 20 PM

INTERSTATE COMMERCE COMMISSION

September 9, 1985

Secretary of the Interstate Commerce Commission Washington, D.C. 20423

Dear Sir:

Enclosed is a copy of the Mortgage and Security Agreement dated December 18, 1978 by and between Blue Diamond Mining, Inc., Blue Diamond Coal Company and Citizens Fidelity Bank & Trust Company. Also enclosed is an original and two (2) copies of a PARTIAL DEED OF RELEASE releasing 40 of the 95 seventy-ton hopper cars as outlined in said document.

Please record the original document and forward to me the remaining two copies with the recording information. Any recording fees will be promptly remitted to you upon request. Please do not hesitate to contact me at (502)581-4954 if you have any questions.

Sincerely,

Carolyh H. Andretti

Commercial Banking Officer

CHA:sks

cc: Harmon McCarter

Blue Diamond Mining Co.

Enclosure

Interstate Commerce Commission Washington, D.C. 20423

9/17/85

OFFICE OF THE SECRETARY

Carolyn H. Andretti }
Citizens Fidelity Bank & Trust Co.
Citizens Plaza
Louisville, KY. 40296

Dear Sir:

The enclosed document(s) was recorded pursuant to the provisions of Section 11303 of the Interstate Commerce Act,49 U.S.C. 11303, on 9/17/85 at 3:00pm and assigned rerecordation number(s).

Sincerely yours,

Secretary

Enclosure(s)

PARTIAL DEED OF RELEASE

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IN . ERSTATE COMMERCE COMMISSION

THIS PARTIAL DEED OF RELEASE made and entered into this 9th day of September, 1985 by and between Blue Diamond Mining, Inc., a Delaware Corporation ("Blue Diamond"), Blue Diamond Coal Company, a Delaware Corporation ("Guarantor") and Citizens Fidelity Bank and Trust Company (d/b/a Citizens Fidelity Energy Company), a Kentucky banking corporation with its principal office and place of business at 500 West Jefferson Street, Louisville, Kentucky 40202 ("Bank").

WITNESSETH:

That whereas Blue Diamond and Guarantor, respectively, executed the Mortgage and Security Agreement dated the 18th day of December, 1978 and filed with the Interstate Commerce Commission, Recordation Number 9933, Filed 1425, December 22, 1978, 2:00 p.m. to Bank, and said Mortgage has been PARTIALLY paid off or otherwise satisfied pursuant to that certain note dated the 26th day of December 1978 by and between Blue Diamond, Guarantor and Bank.

Now, therefore, in consideration of the promises and the payments, or other PARTIAL satisfaction of said mortgage, Bank does hereby release the following described and only the described collateral:

40 used BDMX Hopper Rail Cars, 70 Ton Capacity, Car Numbers as Follows:

600	619	635	672
601	621	639	676
602	625	642	680
603	626	643	681
604	627	644	682
609	628	645	683
611	630	646	686
614	631	663	690
616	633	665	692
617	634	668	693

INTESTIMONY WHEREOF, Witness the signatures of Bank, this, the day and year first herein written.

State of Kentucky County of Jefferson CITIZENS FIDELITY BANK & TRUST CO.

Carolyn H. Andretti, Commercial Banking Officer came before me this 9th day of September, 1985.

TITLE: Commercial Banking

Officer

Deborah Devers, Notary Public

State At Large, Commission Expires: 06/14/89